

**MINUTES OF THE
GOVERNMENT OPERATIONS INTERIM COMMITTEE**
Wednesday, June 19, 2013 – 9:06 a.m. – Room 445 State Capitol

Members Present:

Sen. Margaret Dayton, Senate Chair
Rep. Jack R. Draxler, House Chair
Sen. Jim Dabakis
Sen. Lyle W. Hillyard
Sen. Scott K. Jenkins
Sen. Kevin T. Van Tassell
Rep. Janice M. Fisher
Rep. Keith Grover
Rep. Ken Ivory
Rep. Brian S. King
Rep. Michael E. Noel
Rep. Lee B. Perry

Rep. Kraig Powell
Rep. Douglas V. Sagers

Members Absent:

Rep. John G. Mathis

Staff Present:

Mr. Leif G. Elder, Policy Analyst
Mr. Thomas R. Vaughn, Associate General Counsel
Ms. Anna M. Allen, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Draxler called the meeting to order at 9:12 a.m.

MOTION: Sen. Jenkins moved to approve the minutes of the May 15, 2013, meeting. The motion passed unanimously with Sen. Dayton, Sen. Hillyard, Rep. Fisher, Rep. Grover, Rep. Noel, and Rep. Powell absent for the vote.

2. Statewide Ombudsman and Office of the Inspector General

Sen. Weiler discussed whether Utah should create a statewide ombudsman and an Office of the Inspector General. He discussed "Statutory Duties of Utah State Auditor and Utah Legislative Auditor General Compared to Model Legislation of Office of Inspector General" and explained the potential duties of the inspector general. Sen. Weiler responded to questions from the committee.

3. Recall Elections

Rep. Perry discussed whether the Utah Constitution should be amended to provide for recall elections. He mentioned "Recall law is badly needed in Utah," by Suresh Kulkarni, The *Standard-Examiner*, and his letter in response to the article, which were distributed at the May 15 committee meeting. He explained the process of recall and the difference between recall and impeachment. He also stated that if the state wants to adopt a recall law, he recommends making a constitutional amendment, while keeping in mind the unique needs of the state.

Mr. Elder presented "Removing Elected Officials from Office," which shows how state government officers can currently be removed from office: at the ballot box, impeachment, and through quo warranto. He also discussed how officers can be removed at the local level through the ballot box, judicial proceedings, an ethics violation, and, for certain counties, recall provisions.

Rep. Perry and Mr. Elder responded to questions from the committee.

4. Election of County Officers

Mr. Elder discussed the impact of 2011 General Session H.B. 103, "Election Amendments," on county offices that have been combined, such as clerk/treasurer, auditor/recorder, or executive/surveyor. He stated that the bill does not address how to stagger the terms of these consolidated offices. He also distributed the amended pages of the bill.

Mr. Scott Hogensen, Chief Deputy Clerk Auditor, Utah County, and Chairman, County Clerks Legislative Policy Committee, discussed issues with the bill, including ballot length, consolidated offices, and the change in the county election cycle.

Ms. Vicky McKee, Daggett County Clerk Treasurer, stated that the county has always had consolidated offices and that an increase in election or office costs would be difficult for Daggett County when the county's budget is already being reduced.

Ms. Marla Young, Box Elder County Clerk, responded to the concern about all elected officials changing office at the same time. She said that this situation was not a problem for Box Elder County and stated her opinion that having all elected officials change office simultaneously is not problematic.

Mr. Hogensen distributed "H.B. 103," and he and Mr. Elder responded to questions from the committee.

Ms. Marilyn Gillette, Tooele County Clerk, discussed "Official Ballot Tooele County, Utah" and a handout about H.B. 103 "Election Amendments." She described negative impacts of H.B. 103 "Election Amendments," including lower voter turnout and increased printing, postage, and labor costs.

Mr. Hogensen stated his opinion that H.B. 103 "Election Amendments" should be repealed.

Mr. Ryan Cowley, Chief Deputy Clerk, Summit County, addressed current election cycles and the effect of the bill on voter turnout for county elections.

Mr. Adam Trupp, Staff, Utah Association of Counties, stated that there are differing opinions in the association regarding this issue. He said that one aspect of H.B. 103 "Election Amendments" that could be clarified, but does not necessarily need to be clarified, is that county or community councils could create an election schedule for the combined offices. Alternatively, he said the bill could be changed to clarify that the election schedule for combined offices would be defined by ordinance.

Commissioner Larry Ellertson, Utah County, recommended that the committee examine H.B. 103 "Election Amendments" and analyze what action it could take without negatively affecting the election cycle for counties.

Commissioner Bret Milburn, Davis County, and Chair, Commissioners and Council members of Utah Association of Counties, stated that the committee needs to ask whether the issues under discussion are pressing enough to revisit the bill. He also stated his opinion that what the bill addresses was never an issue and is still not an issue.

MOTION: Rep. Fisher moved to repeal 2011 General Session H.B.103, "Election Amendments."

SUBSTITUTE MOTION: Sen. Hillyard moved that committee staff and chairs visit with staff of Utah counties to discuss the issue in more detail and bring the issue back in another committee meeting.

The substitute motion passed with Sen. Dabakis, Sen. Van Tassell, Rep. Fisher, and Rep. King voting in opposition.

6. Election Code Amendments

Mr. Mark Thomas, Chief Deputy/Director of Elections, Office of the Lieutenant Governor, discussed "Office of the Lieutenant Governor—Election Issues for Consideration by the Government Operations Interim Committee." Mr. Thomas discussed the policy issues of electronic notices for disclosure requirements and online voter registration. He also listed the following clean-up issues for the committee's consideration: consistency in the petition process, school district petition requirements, local voter information pamphlets to households or registered voters, and poll workers for special elections. Mr. Thomas responded to questions from the committee.

7. Election Notices

Mr. Hogensen discussed whether most election notices should continue to be published in a newspaper or should transition to being posted electronically for all elections. Mr. Hogensen suggested that the committee work with the county clerks to draft legislation that offers more flexibility in posting election notices. Mr. Hogensen responded to questions from the committee.

Mr. Vaughn Jacobsen, The *Standard-Examiner* and the Utah Press Association, commented that newspapers, in print and online, are the most cost-effective method of posting election notices. He expressed his opinion that newspapers are still very relevant to today's society, and that they are constantly evolving to better serve the public.

5. State Board of Education Elections

Rep. Nielson discussed the challenges with electing State Board of Education members. He recommended that the state go back to a primary election process or utilize community councils or parent organizations at schools to narrow the field of candidates. Rep. Nielson also recommended that the committee continue discussion on this topic at a later meeting. He responded to questions from the committee.

8. Preliminary Election Results

Mr. Thomas discussed whether officials should release preliminary election results during the period of time between the close of election polls and the canvass. He stated that current law does not allow the totals of any votes counted after Election Day to be released until the canvass. He explained that preliminary results would be especially useful when there is a large number of absentee and provisional ballots and when an election race is close.

9. Committee Business/Adjourn

MOTION: Sen. Van Tassell moved to adjourn the meeting. The motion passed unanimously with Sen. Jenkins, Rep. Grover, Rep. Ivory, Rep. Perry, and Rep. Powell absent for the vote.

Chair Draxler adjourned the meeting at 11:23 a.m.